

[Mahmud Schamnad Sahib] [24th January 1928]

11-15
a.m.

"Although, when this Act was passed, it might not have been the intention of the Legislature to make it apply to the Mappillas, yet the Mappillas have also taken advantage of it. According to the Muhammadan Law, a Muhammadan may dispose by will only one-third of his estate, left after defraying funeral expenses and debts. Bequests in excess of the bequeathable third or bequests to the heirs will not be valid unless the other heirs consent thereto after the death of the testator. It was supposed that the passing of the Malabar Mappilla Succession Act will make the Malabar Wills Act inoperative in respect of wills by Mappillas. But this point is not yet clear. In order to bring this also into conformity with the Muhammadan Law relating to wills, it is proposed to amend the Malabar Wills Act by adding a proviso to section 4 of the Malabar Wills Act. The question is whether the people for whom it is intended want this modification. The Government referred the matter to the Collectors of Malabar and South Kanara. They have consulted the Mappillas and have reported that the people are quite in agreement and that they want such a change. I therefore request that the Bill be read in Council."

Abdul Hye Sahib seconded the motion.

The hon. Sir C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, with regard to this matter, the Government are perfectly prepared to abide by the wishes of the majority of the Muslim population concerned. It is a matter for consideration by the hon. the Mover whether he will take such steps as may be necessary to gather information as to the wishes of the classes of the population that may be affected by the measure. The Government do not propose to throw any obstacles in the way of the hon. Member and at the moment I do not propose to object to any of the steps which have been asked for by the hon. Member. It is a matter for consideration whether he would take steps to ascertain the opinion of this community more adequately."

* The hon. the PRESIDENT :—"Does the hon. the Mover propose to make a reply?"

* MAHMUD SCHAMNAD SAHIB Bahadur :—"As it is not objected to, I do not propose to make any reply."

* The hon. the PRESIDENT :—"The question is that the Bill to amend the Malabar Wills Act be read in Council."

The question was put to the House and adopted.

The Secretary then read the title of the Bill.

* MAHMUD SCHAMNAD SAHIB Bahadur :—"Sir, I move that the Bill be referred to a Select Committee composed of the following gentlemen :—

The hon. the Law Member,
The hon. the Advocate-General,
Diwan Bahadur M. Krishnan Nayar,
Mr. K. Madhavan Nayar,
Mr. J. A. Saldarha,
Mr. K. R. Karant,
Mr. K. Uppi Sahib,
Mr. K. Krishnan and myself."

* The hon. the PRESIDENT :—"I do not see the name of Mr. K. Krishnan in the agenda. The hon. Member ought to have mentioned it to me."